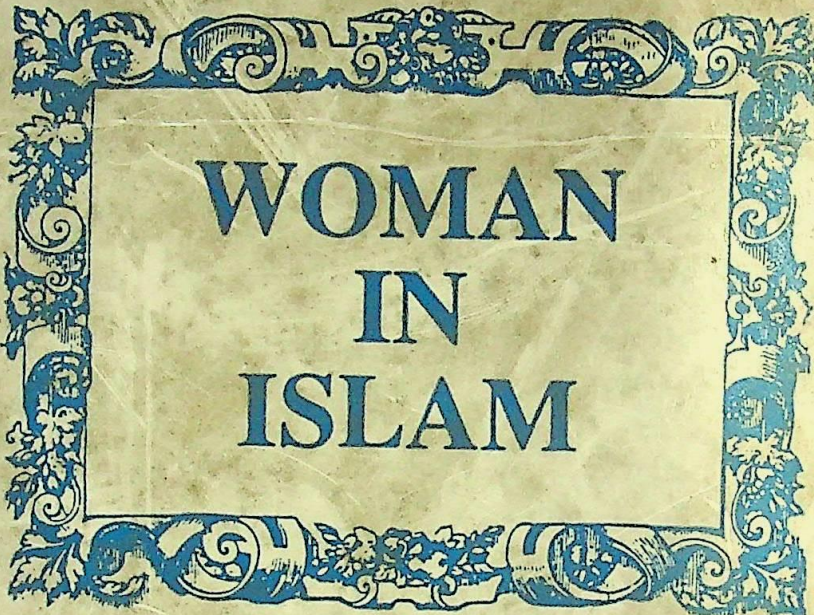




WOMAN IN ISLAM

MUHAMMAD ZAFRULLAH KHAN

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Woman in Islam

In the divine scheme of regulation of the relationship between men and women, Islam has assigned a position of dignity and honour to woman. Such beneficent regulation is essential for peace, comfort, happiness, continuation of the species and progress.

The Holy Quran emphasises that God in His perfect wisdom has created all species in pairs, and so men and women have been created of the same species; as is said:

He created you from a single being; then of the same kind made its mate (39:7).

He has made for you mates of your own kind (42:12).

O mankind, be mindful of your duty to your Lord, Who created you from a single soul and from it created its mate and from the two created and spread many men and women (4:2).

He it is Who has created you from a single soul and made therefrom its mate, so that the male might incline towards the female and find comfort in her (7:190).

Of His Signs it is that He has created mates for you of your own kind that you may find peace of mind through them, and He has put love and tenderness between you. In that surely are Signs for a people who reflect (30:22).

Islam teaches that the faculties and capacities bestowed by God upon man are a divine bounty and must be beneficently employed:

Allah brought you forth from the wombs of your mothers, when you knew nothing, and gave you ears and eyes and hearts that you may employ them beneficently (16:79).

This means that they must be exercised at their proper time and on their appropriate occasion, in which case they would be fostered and multiplied. But their neglect or misuse would attract divine wrath (14:8).

Some religious disciplines mistakenly esteem celibacy more exalted spiritually than conjugal life. Islam disapproves of celibacy and condemns it. The Holy Quran says:

They devised monasticism as a means of seeking Allah's pleasure. We did not prescribe it for them, and they did not observe it duly (57:28).

The whole concept of monasticism originated in the notion that woman was an inferior type of creation and association with her was degrading and demoralising. The Church Fathers laid the responsibility of man's fall upon woman, and represented her as being without a soul and an instrument of the devil.

Islam denounced this attitude, and raised woman to a position of spiritual equality with man. It held that man and woman complemented each other and were a means of mutual fulfilment. For instance it is said:

They are a garment for you and you are a garment for them (2:188).

SPIRITUAL EQUALITY

Woman's spiritual equality with man is repeatedly stressed in the Holy Quran. For instance it is said:

For men who submit themselves wholly to Allah, and women who submit themselves wholly to Him and men who believe and women who believe, and men who obey Allah and women who obey Him, and men who are truthful and women who are truthful, and men who are steadfast and women who are steadfast, and men who are humble and women who are humble, and men who give alms and women who give alms, and men who fast and women who fast, and men who guard their chastity and women who guard their chastity, and men who remember Allah much and women who remember Him, Allah has prepared forgiveness and a great reward (33:36).

Allah will turn in mercy to believing men and believing women; Allah is Most Forgiving, Ever Merciful (33:74).

Men and women are afforded equal protection. For instance:

Those who malign believing men and believing women for that which they have not done, shall bear the guilt of a calumny and a manifest sin (33:59).

Those who persecute the believing men and believing women, and then do not repent, will surely suffer the chastisement of hell, and the chastisement of burning (85:11).

Concerning the situation that developed at Hudaibiyyah it is said:

Had it not been for believing men and believing women of whom you had no knowledge, who were then in Mecca, whom you might have trampled down unknowingly and thus incurred blame on their account, Allah might have let you fight your way into Mecca; but He held you back that He might admit into His mercy whom He will. Had those believing men and believing women drawn apart from the rest, We would surely have chastised the disbelievers with grievous chastisement (48:26).

Women being more vulnerable than men are accorded special protection:

Those who calumniate chaste unwary, believing women are cursed in this world and the hereafter; and for them is a grievous chastisement, on the day when their tongues and their hands and their feet shall bear witness against them as to that which they used to do (24:24-5).

Men and women will be equally rewarded in the hereafter: *Whoso does good whether male or female, and is a believer, shall enter Paradise and they shall not be wronged a whit (4:125).*

Of the believers whoso acts righteously, whether male or female, We will surely grant such a one a pure life; and We will certainly reward them according to the measure of the best of their works (16:98).

Whoso does good, whether male or female, and is a believer, these will enter the Garden; they will be provided therein without measure (40:41).

The believers, men and women, are friends one of another. They enjoin good and forbid evil and observe Prayer and pay the Zakat, and obey Allah and His Messenger. It is these on whom Allah will have mercy. Surely, Allah is Mighty, Wise. Allah has promised the believers, men and women, Gardens beneath which rivers flow, wherein they will abide, and delightful dwelling places in Gardens of Eternity, and the pleasure of Allah, which is the greatest bounty of all. That is the supreme triumph (9:71-2).

That He may admit the believers, men and women, into Gardens beneath which rivers flow, wherein they will abide, and that He may remove their ills from them; that, in the estimation of Allah, is the supreme triumph (48:6).

Their Lord would answer their supplication: I will not suffer the work of any worker from among you, male or female, to perish. You are spiritually akin one to another (3:196).

O My servants, there is no fear for you this day, nor shall you grieve. Enter the Garden, you and your mates, delighted and joyful (43:69-70).

The inmates of heaven will be happily occupied that day. They and their mates will be under the shades of Allah's mercy reclining on raised couches. They will be provided therein with fruits and whatever else they call for (36:56-8).

Keep in mind the day when thou wilt see the believing men and believing women, their light running before them and on their right hands, and they will be greeted with: Glad tidings for you this day of Gardens beneath which rivers flow, wherein you will abide. That is the supreme triumph (57:13).

The Holy Prophet was urged to seek forgiveness for believing women as well as believing men (47:20).

DIVERSITY OF FUNCTIONS

The divine scheme furnishes evidence of divine wisdom in all its aspects. Men and women are spiritually akin one to another and are equally the recipients of God's favours and bounties, but their functions are not identical. In view of this diversity there is a corresponding diversity between their respective faculties and capacities. This is indicated in the Holy Quran as is said:

Our Lord is He Who has endowed everything with its appropriate faculties and then guided it to their proper use (20:51).

God has fashioned mankind according to the nature designed by Him; there is no altering the creation of Allah (30:31).

Vain and ruinous are all attempts to convert men into women and to convert women into men. Each has his or her appropriate function, the due discharge of which constitutes the dignity, enjoyment, fulfilment and beauty of life.

A contemplation of the diversity of the faculties of males and females reveals the diversity of their functions as designed by nature. For instance, woman is well equipped for child bearing, while man is incapable of it: On the other hand, man is well fitted

to command in the field; to appoint a woman to military command in the field would be an invitation to disaster. This is not a question of superiority or inferiority; it is a question of natural capacity and proper functioning.

The proper discharge of the function of child-bearing imposes certain handicaps upon women, from which man is free; but the glorious honour of the crown of motherhood is reserved for woman, man cannot aspire to it. The up-bringing of children during their early years is primarily the responsibility of the mother; the father's role at that stage is supplementary to that of the mother. At that stage the child turns instinctively to the mother rather than to the father for nurture, comfort or security. When a child is rebuked or disciplined by the mother, it feels no resentment towards her; while it resents being punished by the father. The bond that nature forges between mother and child is characterised by far greater tenderness than that which is developed between father and child.

Woman is vulnerable and is in need of man's strength for support and protection. A woman may be forced against her will; a man cannot be forced against his inclination.

As wife and mother the primary and normal sphere of woman's activities is the home; as breadwinner the normal sphere of man's activities and operations is the outdoors. A social system which is based on wisdom and beneficence brings about and helps to maintain an accord and balance between the two. Islam claims to do that.

MARRIAGE

The ultimate purpose of marriage in Islam is to win the pleasure of Allah, through chastity, fulfilment, contentment and continuation of the species. For instance, among the characteristics of true believers the safeguarding of chastity through marriage is stressed along with strict and humble observance of Prayer, the shunning of all that is vain, the payment of the Zakat and watchfulness of trusts and covenants:

These are the true heirs who will inherit Paradise, wherein they shall abide (23:2-12).

Then there is the direction:

Arrange the marriages of widows from among you, and of the righteous from among those under your control, male and female. If they be poor, Allah will grant them means out of His bounty (24:33-4).

The Holy Prophet has said: Conjugal life is our way, he who turns aside from our way is not of us.

Unfortunately the West no longer considers chastity a virtue, indeed it has become a reproach. Experimental living together and promiscuity have become the norm. Perversion and sensuality, inside and outside wedlock, are deemed the true purpose and object of sex. Woman has been degraded into a mere instrument for sexual indulgence.

According to Islam the relationship between husband and wife should be characterised by grace. The Holy Quran directs:

Consort with them graciously. If you dislike them, it may be that you dislike something in which Allah has placed much good (4:20).

The character of the conjugal relationship may be judged from the direction of the Holy Prophet: When you come together, supplicate: O Allah, safeguard us against Satan, and keep Satan away from such issue as Thou might bestow upon us.

As has been mentioned, the Holy Quran describes husband and wife as garments for each other (2:88); that is to say, a means of security, dignity and ornament.

The whole subject of conjugal relationship is treated in Islam at the elevated level of moral and spiritual consciousness which excludes all ideas of mere carnal indulgence. This is well illustrated by the following set of directions and exhortations:

They enquire from thee, O Prophet, as to consorting with their wives during their monthly courses. Tell them: it is harmful, so keep away from them during their monthly courses and do not consort with them until they are clean. But when they have washed themselves clean, consort with them as Allah has commanded you. Indeed Allah loves those who turn to Him constantly, and Allah loves those who are clean and pure. Your wives are a tilth for you, so approach your tilth as you may be minded and lay up a store of good for yourselves. Be ever mindful of your duty to Allah, and be sure you will meet Him. Give glad tidings to those who believe (2:223-4).

Any attitude that is likely to affect adversely the capacity and chances of child-bearing of the wife is thus disapproved. Purity and the promotion of righteousness (taqwa) must always be kept in mind. One of the prayers of the righteous taught by the Holy Quran is:

Lord, grant us of our spouses and our offspring the delight of our eyes and make us a model for the righteous (25:75).

DUTIES AND OBLIGATIONS OF HUSBAND AND WIFE

In the Islamic system, marriage is a covenant of a civil nature involving a whole set of mutual obligations. For its validity it requires the public announcement of the free consent of the parties, the consent of the guardian of the bride, whose duty it is to ensure and safeguard the rights of the bride, and a settlement by the husband on the wife proportionate to his means which is called dower, and is not to be confused with the dowry that may be bestowed upon the bride by her parents or guardian.

Prohibitions to marriage are clearly set out, and this is followed by:

Lawful for you are those outside these categories, that you seek them in marriage, by means of your properties, safeguarding yourselves against fornication. For the benefit that you receive from them pay them their dowers as fixed, and there will be no sin upon you in respect of anything that you may agree upon mutually after the fixing of the dower. Surely, Allah is All-Knowing, Wise (4:25).

Husbands and wives have reciprocal obligations towards each other, but as man is the breadwinner and has the responsibility of providing for wife and family, in case of a difference in the matter of running the household he has the final word, lest things should get out of hand and the family should be faced with ruin:

Wives have rights corresponding to those which husbands have, in equitable reciprocity, though, in certain situations, men would have the final word and thus enjoy a preference. Allah is Mighty, Wise (2:229).

On account of the physical weakness and delicacy of women and their vulnerability, men are appointed guardians over women:

Men are appointed guardians over women, because of that in respect of which Allah has made some of them excel others, and because the men spend of their wealth. So virtuous women are obedient and safeguard, with Allah's help, matters the knowledge of which is shared by them with their husbands (4:35).

If the wife is persistently recalcitrant, so that the peace and harmony of the household are put in peril, the husband should admonish her. Should that prove unavailing he may temporarily withdraw from the marital bed. In the last resort he may have recourse to light chastisement (4:45).

Should a woman apprehend ill treatment or indifference on the part of her husband, it shall be no sin on them to seek suitable reconciliation with each other; for reconciliation is best. People are prone towards covetousness. If you are benevolent towards each other and are mindful of your duty to Allah, surely Allah is Well-Aware of that which you do (4:129).

Should reconciliation through mutual consultation prove difficult recourse should be had to counsellors; as is said:

Should you apprehend a breach between husband and wife, then appoint an arbiter from among his people and an arbiter from among her people. If they desire reconciliation, Allah will bring about accord between husband and wife. Surely Allah is All-Knowing, All-Aware (4:36).

DIVORCE

Should all efforts at reconciliation prove unavailing, dissolution of the marriage may alone furnish a way of relief. It should, however, be noted that Islam does not look upon divorce with favour. The Holy Prophet has said: Of that which is permitted the most obnoxious, in the estimation of Allah, is divorce.

Divorce may be initiated by the husband or by the wife; in the latter case the matter must proceed judicially, so that the rights of the wife may be fully safeguarded.

If differences arise and, failing reconciliation, the husband vows abstinence from his wife, the situation must be resolved within four months:

For those who vow abstinence from their wives, the maximum period for making up their minds is four months; then if they revert towards conciliation, surely Allah is Most forgiving, Ever Merciful; and if they decide upon divorce, Allah is All-Hearing, All-Knowing (2:227-8).

There is a whole set of regulations concerning divorce. These are designed to ensure, *inter alia*, that divorce should not be resorted to light-heartedly, or in a fit of passion or resentment. It should be a deliberate act resolved upon after a careful consideration of the consequences both for the parties and the children, if there are any, of the marriage. With this end in view the procedure is somewhat drawn out, so that the parties may have opportunities for cool reflection and for reconciliation, before the divorce becomes irrevocable:

Revocable divorce can only be pronounced twice; whereafter there should be reconciliation in approved form, or final separation with beneficence. It is not lawful for you to take away anything of that which you have given your wives; unless it should be a case in which the wife insists upon separation without any default on the part of the husband and they are afraid that they would not be able to observe the limits prescribed by Allah, if they were to continue their association. In such case there will be no sin on either of them in respect of that which the wife may surrender by way of compromise. These are the limits prescribed by Allah, so transgress them not; whoso transgresses the limits prescribed by Allah, it is they that are the wrong-doers (2:230).

A further check on hasty divorce is:

Should the husband divorce the wife a third time, the divorce would become irrevocable, and she would not be lawful for him thereafter, except in case she should marry another husband and he too should happen to divorce her, or should die. In such contingency, it would be no sin for them to return to each other, provided they are sure that they would now be able to observe the limits prescribed by Allah. These are the limits prescribed by Allah which He makes clear to the people who possess knowledge (2:231).

In the case of a revocable divorce, when the end of the appointed period of waiting approaches, there should be reconciliation in

approved form, or final separation in approved form; but do not hold back such women to impose hardship upon them. Whoso does that, surely wrongs his own self. Do not bring the commandments of Allah into contempt, and keep in mind the favour that Allah has bestowed upon you and that which He has sent down to you of the Book and Wisdom, whereby He exhorts you. Be mindful of your duty to Allah and be sure that Allah knows all things well (2:232).

When you divorce your wives and they reach the end of their waiting period, and the divorce becomes irrevocable, do not hinder them from marrying their chosen husbands, if they agree between themselves in an approved manner. This is an admonition for everyone of you who believes in Allah and the Last Day. It is most blessed for you and purest. Allah knows and you know not (2:233).

Divorced women shall wait, concerning themselves, for the space of three courses. It is not lawful for them to conceal what Allah may have created in their wombs, if they believe in Allah and the Last Day. If their husbands should desire reconciliation during this period, they would have the stronger right to the continuation of the marriage than that it should be irrevocably dissolved (2:229).

Should the husband and wife consort together after the pronouncement of a revocable divorce, the pronouncement would be voided altogether.

Women who survive their husbands shall wait concerning themselves for four months and ten days, and when they arrive at the end of that period there shall be no blame on you for anything that they do with regard to themselves according to what is fair. Allah is aware of what you do (2:235).

There shall be no blame on you in hinting at a proposal of marriage to divorced or widowed women, or in contemplating the possibility in your minds. Allah knows that you will think of them in that connection; but do not enter into any secret engagement with them, beyond conveying some indication to them of your inclination. Do not, however, resolve on the marriage tie until after the expiry of the period of waiting. Be sure Allah knows what is in your minds, so be mindful of Him. Know also that Allah is Most Forgiving, Forbearing (2:235).

Those of you who die leaving them surviving widows, the legacy for their widows would be provision for a year without being turned out of the marital home. Should they depart therefrom on their own, after the expiry of the period of waiting, there shall be no blame upon you with regard to any proper thing which they do concerning themselves. Allah is Mighty, Wise (2:241).

For divorced women also there shall be provision according to what is fair. This is an obligation binding on the righteous (2:242).

It will be no sin for you, if need arises, to divorce women whom you have not touched and for whom no definite dower has been fixed. In such case, make provision for them—an affluent one according to his means, and a poor one according to his means—a provision in a becoming manner. This is an obligation binding upon the virtuous (2:237).

If you divorce them before you have touched them, but you have fixed a dower for them, then make over to them half of that which you have fixed, unless they should remit it or the guardian for the marriage should remit it, or unless the husband should voluntarily decide to pay a sum in excess of the half. That she should remit or you should pay a larger sum, as the case may be, would be closer to righteousness. Do not neglect any chance of behaving benevolently towards each other. Surely, Allah sees what you do (2:238).

In cases of divorce, mothers shall give suck to their infants for two whole years, where it is desired to complete the suckling, and the father of the child shall be responsible for the maintenance of the mother during that period according to usage. No one shall be burdened beyond his capacity. No mother shall be made to suffer on account of her child, and no father shall be made to suffer on account of his child; and the same is the obligation of the heir. If the parents should agree by mutual consultation and consent upon weaning the child, there shall be no blame on them. Should you desire to engage a wet-nurse for your children, there shall be no blame on you, provided you hand over what you have agreed to pay, in a fair manner. Be ever mindful of your duty to Allah, and be sure that Allah sees what you do (2:234).

All this is summarised as follows:

O Prophet, when you divorce your wives, observe the period prescribed for making the divorce effective, and reckon the period, and be mindful of your duty to Allah, your Lord. Turn them not out of their homes, nor should they depart therefrom, during that period, unless they are guilty of manifest indecency. These are the limits set by Allah. Whoso transgresses the limits set by Allah wrongs himself. The waiting period is prescribed as you do not know that Allah may, during that period, bring about something new (65:2).

When they arrive at the end of the prescribed period then retain them in a suitable manner, or send them away in a suitable manner, and appoint two just persons from among you as witnesses; and bear true witness for the sake of Allah. This is an admonition for him who

believes in Allah and the Last Day (65:3).

The prescribed period for those of your wives who have lost all expectation of monthly courses, in case of doubt, is three months, and also in case of those who have not had their monthly courses. In case of those who are with child, the prescribed period is until they are delivered (65:5).

Lodge them during the prescribed period in the houses wherein you dwell, according to your means; and harass them not that you may create hardships for them. If they should be with child, provide for them until they are delivered. Should they give suck to the child for you, pay them their due recompense, and settle the matter between yourselves equitably; but if you run into difficulty between yourselves, then let another woman suckle the child for the father. Let one who is in easy circumstances spend according to his means, and let him whose means of subsistence are straitened spend out of that which Allah has given him. Allah does not require of anyone beyond that which He has bestowed on him. For those suffering from hardship, Allah will soon bring about ease (65:7-8).

POLYGAMY

Plurality of wives is not specifically prohibited by divine command in any religion; nor, except in the case of Islam, is the number of wives restricted. Islam permits a plurality of wives but restricts their number to four; and the permission is conditioned by just treatment of the wives:

But if you feel you may not be able to deal justly between them, then marry only one (4:4).

Just treatment of wives, when there are more of them than one, means keeping an equality between them in the matter of maintenance, provision and companionship, that is to say, in such respects as are susceptible of equal apportionment. Equality is not prescribed in respect of such matters over which a person has no control, for instance, the degree of emotional attachment and inclination. This is excluded by the general principle:

Allah requires not of anyone that which is beyond his capacity (2:87).

But there is also a specific exposition:

You cannot keep perfect balance emotionally between your wives, however much you may desire it, but incline not wholly towards one, leaving the other in suspense. If you will maintain accord and are mindful of your duty to Allah, surely Allah is Most Forgiving, Ever Merciful (4:130).

Some modern Muslim writers, in their anxiety and eagerness to curry favour with the West, have sought to argue that as polygamy was permitted on condition of equal treatment of wives (4:4), and equality was declared impossible of achievement (4:130), it follows that the permission was in effect revoked. This line of exegesis is entirely mistaken and is utterly untenable. The text of 4:130 itself clearly contemplates continuation of a system of plurality of wives. Besides 4:130 was not interpreted by the Holy Prophet or his companions as revoking the permission granted by 4:4; nor was such interpretation ever commended by Muslims Jurists through the centuries.

The truth is that polygamy as defined and restricted by Islam is a device designed by the highest wisdom for the fostering of high moral values and the safeguarding of chastity both of males and females. It may be described as a beneficent moral and cultural safety valve. For lack of such a safety valve, societies that have sought to enforce a rigid system of monogamy have been ripped apart by promiscuity, homosexuality, lesbianism and bestiality. Unrestricted sexual indulgence has become the norm between them, and does not even attract moral disapprobation.

The moral line is to be drawn not between monogamy and polygamy, but between regulation and licence. In the absence of moral restraint, both monogamy and polygamy may be abused. It is the character of the relationship that exalts or debases it. As already mentioned, the ultimate purpose of marriage in Islam is winning the pleasure of Allah.

Then Islam inculcates the beneficent development of all faculties and capacities through wise regulation and exercise, and disapproves of and condemns their suppression or stultification.

In the early years of Islam, responding to the divine call, particularly in the case of a male, spelt the forfeiture of life. Many paid the forfeit in Mecca; many more had to pay it in Medina and other places on the field of battle. Though women

were not altogether exempt, yet comparatively few of them were called upon to make the extreme sacrifice. In consequence the number of women among the Muslims rapidly increased in proportion to men. Widows and orphans, male and female, had to be provided for. The safeguarding of moral and spiritual values, in these conditions, made polygamy an obligation, a sacrifice and certainly not an indulgence.

There were other considerations of a personal, social, politico-religious character, which called for polygamy. In modern times conditions have changed and monogamy, outside Africa, is becoming more and more the rule; but everywhere in individual cases moral considerations still call for a plurality of wives. Islam makes provision for such cases.

Among Muslims no stigma attaches to polygamy; it is as honourable as monogamy, and involves no discrimination between the wives or their children.

MOTHER

Islam assigns a position of great honour to a mother. The love, devotion and tenderness due to parents, and especially to the mother, are repeatedly stressed in the Holy Quran:

We have enjoined on man benevolence towards his parents (29:9).

Say, O Prophet: Come, let me rehearse to you that which your Lord has enjoined; that you associate not anything as partners with Him; that you behave benevolently towards your parents; . . . (6:152).

Worship Allah and associate naught with Him, and be benevolent towards parents . . . (4:37).

Thy Lord has commanded that ye worship none but Him, and has enjoined benevolence towards parents. Should either or both of them attain old age in thy lifetime, never say: Ugh; to them, nor chide them, but always speak gently to them; be humbly tender with them and pray: Lord, have mercy on them even as they nurtured me when I was little (17:24-5).

We have enjoined upon man concerning his parents: Be grateful to Me and to thy parents; unto Me is the final return. His mother bears him in travail after travail, and his weaning takes two years (31:15).

We have enjoined upon man to act benevolently towards his parents. His mother bears him in pain and brings him forth in pain; and the bearing of him and his weaning extends over thirty months. When he attains his full maturity at forty years, he supplicates: Lord, grant me the favour that I may be grateful to Thee for the bounty that Thou hast bestowed upon me and upon my parents, and that I may act righteously so as to please Thee, and make my progeny righteous also. I do turn to Thee and truly I am of Thy obedient servants (46:14).

The Holy Prophet has admonished:

The best of you is he who behaves best towards the members of his family.

Paradise lies at the feet of your mothers.

He who brings up his daughters well, and makes no distinction between them and his sons, will be close to me in Paradise.

ECONOMIC POSITION OF WOMAN

Of the great faiths Islam has been foremost in assigning to woman a position of economic independence. It is well known that in the United Kingdom till as late as 1882, when the first Married Women's Property Act was passed by Parliament, a married woman could hold no property of her own, independently of her husband. Any property that a *femme sole* (unmarried woman) held in her own right vested automatically in her husband on her marriage. A hundred years later traces still linger in certain aspects of British Law which illustrate a married woman's position of dependence upon her husband.

In Islam the independent economic position of woman has been established since the very beginning. Mention has been made of the obligation of the husband to make a settlement on the wife, in proportion to his means, at the time of marriage. This settlement is called dower (*mehr*). If at the time of the death of the husband the wife's dower should be still unpaid, it ranks as a debt to be discharged out of his estate, in priority to all his other debts. In addition, the widow is also entitled to her share in the husband's estate, which is determined by law.

Any property that a woman might acquire by her own effort, or might inherit as an heir or receive as a legacy or gift, belongs to her independently of her husband. She may ask her husband to manage it, but if she chooses to manage or administer it herself he cannot interfere in her management or administration of it.

A married woman who possesses means of her own may, and in most cases does, contribute a portion or the whole of her independent means towards the upkeep of the household, but is under no obligation to do so. The upkeep of the household is the entire responsibility of the husband, even when the wife is in her own right better off than her husband.

This is well illustrated by the following incident. The Holy Prophet, peace be on him, on one occasion admonished women to spend in charity out of their own means also. Thereafter two women, both bearing the name of Zainab, one of them the wife of the well known companion Abdullah bin Masood, came to him and told him that their respective husbands were men of straitened means, but that they in their own rights were comparatively better off. Would it be an act of spiritual merit if they were to assist their husbands out of their own means? The Holy Prophet assured them their spending on their husbands would be doubly meritorious, as it would rank both as charity and as graciousness towards kindred.

The Holy Quran admonishes:

Covet not that whereby Allah has made some of you excel others. Men shall have a portion of that which they earn and women shall have a portion of that which they earn. Ask Allah alone of His bounty. Surely, Allah has perfect knowledge of all things (4:33).

For everyone leaving an inheritance We have appointed heirs, parents and near relations, and also husbands and wives to whom you are bound by solemn covenants. So give all of them their appointed shares. Surely, Allah watches over all things (4:34).

The Islamic system of succession and inheritance, set out in 4:12-13 and 177, aims at a wide distribution of property. If a person should die leaving his or her surviving parents, wife or husband, sons and daughters, they all share in the inheritance; the general rule being that the share of a male is double that of a female in the same degree of relationship. In this there is no

discrimination against female heirs in view of the obligation of the male to provide for his family, while the female has no such obligation. In practice the rule works out favourably for female heirs.

A Muslim may not dispose of more than one-third of his assets by testamentary directions. Legacies, whether for charity or in favour of non-heirs, must not exceed one-third of net assets; nor may the share of an heir be augmented or diminished by testamentary direction. There is no room for discrimination between the heirs under the Islamic system of inheritance, like, for instance, primogeniture, or exclusion of females.

A direction designed to secure the preservation of testimony relating to civil transactions, which requires that they must be reduced to writing, is sometime mistakenly seized upon as evidence of discrimination against females. The direction is as follows:

Procure two witnesses from among your men; and if two men be not available, then one man and two women, of such as you like as witnesses, so that if either of the two women should be in danger of forgetting, the other may refresh her memory (2:283).

There is here not the slightest trace of discrimination. The normal rule is that women should be safeguarded against the contingency of having to appear as witnesses in judicial proceedings. Therefore, normally a woman should not be called upon to attest a document recording a transaction. This rule may be relaxed in an emergency. But then another difficulty would arise. In the case of male witnesses their memory of a transaction that they attest as witnesses would be refreshed when they met socially and the transaction was recalled for one reason or another. In the case of a document recording a transaction, which is attested by one male and one female witness, the female witness, under the Islamic social system, as will presently be appreciated, would not normally have frequent occasion to meet the male witness and talk to him, so that there would be little chance of her memory of the transaction being refreshed. To overcome this lack of opportunity of refreshing the memory, it is wisely provided that where only one male witness is available two female witnesses may be

called upon so that, in the very words of the text, one may refresh the memory of the other.

This provision is concerned only with the *preservation* of evidence, and does not deal with the *weight* to be attached to the testimony of a male or female witness. An illustration may help to clear up any doubt on the matter. Assume that a transaction recorded in a document attested by one male and two female witnesses becomes the subject of a dispute which comes up for judicial determination. It is then discovered that one of the two female witnesses has in the meantime died. The male witness and the surviving female witness are examined in court and the judge finds that their respective accounts of the terms of the transaction are not entirely in harmony; but he feels very strongly that taking every relevant factor into consideration the testimony of the female witness is more reliable than that of the male witness. In such a case it would be his plain duty to rely on the testimony of the female witness in preference to that of the male witness. There could be no question of discrimination in favour of or against a woman.

SAFEGUARDING OF MEN AND WOMEN

Men and women are a divine bounty for each other and as such must be cherished as a means of fulfilment and of winning the pleasure of God. He Who has created both knows well their weaknesses and their strength and He has, of His grace, furnished adequate guidance both for safeguarding them against their weaknesses and fostering their strength. Mischief and ruin ensue upon the disregard of that guidance, and its strict and careful observance renders life serene and joyful.

The Holy Quran affirms:

Assuredly, We have created man and We know well what assails his mind (50:17).

We created man from a sperm-drop possessing diverse qualities, that We might try him; so We made him hearing and seeing, and We

showed him the Way. He is either appreciative and follows it, or is ungrateful and rejects it (76:3-4).

Man's mind receives impressions through hearing, sight and other senses, and incites him to virtue or to vice. He is, therefore, cautioned:

Follow not that of which thou hast no knowledge; for the ear and the eye and the mind shall all be called to account (17:37).

Thus the restraint of the senses and constant watchfulness over them is of the essence of righteousness. The Holy Prophet was commanded:

Direct the believing men to restrain their looks and to guard their senses. That is purer for them. Surely, Allah is well aware of that which they do. Direct the believing women to restrain their looks and to guard their senses, and not to disclose any part of their beauty or their adornment, save that which is perforce apparent thereof. They should draw their head-coverings across their bosoms; and should not disclose any part of their beauty or their adornment save to their husbands or to their fathers or to the fathers of their husbands, or to their own sons or the sons of their husbands, or to their brothers or the sons of their brothers or the sons of their sisters, or to gentlewomen or to their maid-servants, or to such attendants who have no desire for women, or to such children who have no knowledge of the relationship between the sexes; nor should they strike their feet on the ground in such manner as to disclose such of their adornment as they ought not to disclose. Turn ye to Allah all together, O believers, that you may prosper (24:31-2).

O ye who believe, let your attendants and those of you who have not yet attained puberty, ask leave of you at three times before coming in; before the dawn Prayer, and when you put aside your clothes at noon and after the evening Prayer. These are three periods of privacy for you. Outside of these there is no restriction on you or on them, for some of you have occasion to attend upon others. Thus does Allah expound His commandments to you. Allah is All-Knowing, Wise (24:59).

When your children attain puberty they should ask leave in the same manner as their seniors. Thus does Allah expound His commandments to you. Allah is All-Knowing, Wise (24:60).

There is no blame on elderly women who are past the age of marriage if they lay aside their outer coverings without displaying their adornment. But it would be better for them to guard themselves. Allah is All-Hearing, All-Knowing (24:610).

There are certain special directions for the wives of the Holy Prophet which set forth the ideal of good behaviour and should be emulated by all believing women:

Say, O Prophet, to thy wives: If you desire the life of this world and its adornment, come then, I shall make provision for you and send you away in a handsome manner. But if you desire Allah and His Messenger and the Home of the Hereafter, then Allah has prepared for those of you who carry out their obligations fully great reward. Wives of the Prophet, the punishment of that one of you who is guilty of manifest indecency will be doubled. That is easy for Allah. But whoever of you is completely obedient to Allah and His Messenger and acts righteously, We shall double her reward, and We have prepared an honourable provision for her (33:29-32).

Wives of the Prophet, if you safeguard your dignity, you are not like other women. So speak in a simple, straightforward manner, lest he whose mind is diseased should form an ill design; and always say the good word. Stay at home and do not show off in the manner of the women of the days of ignorance; and observe Prayer and pay the Zakat, and obey Allah and His Messenger. Allah desires to remove from you all uncleanness, members of the household, and to purify you completely. Remember that which is rehearsed in your homes of the Signs of Allah and of wisdom. Verily, Allah is the Knower of minutest things (33:33-5).

The directions set out above are designed to secure the highest standards of good behaviour of men and women, and that they should comport themselves with dignity and self-restraint in all situations, Sobriety, modesty and purity are to be the hall-marks of Islamic society. Free and unrestrained inter-mixing of the sexes is barred. A certain degree of decorum is required both of men and women. The fair sex is to be shielded against all risks of molestation; as is ordained:

O Prophet, direct thy wives and daughters and the women of the believers that when they go out, they should pull down their outer cloaks from their heads over their faces. This will make it possible for them to be distinguished, so that they will not be molested. Allah is Most Forgiving, Ever Merciful (33:60).

Unrestricted and unregulated association of men and women, and the women's decking themselves out for the set purpose of attracting men has become the bane of Western society, so that all considerations of modesty and decent

deportment have been cast aside and all the old, prized values have fallen into contempt and are ridiculed. It is a matter of great concern that a section of Western oriented Muslims have not been able to resist this suicidal trend that prevails in the West. It is devoutly to be hoped that the dangers inherent in this line of thinking and conduct will soon be recognised, and the beneficence of Islamic values being appreciated will be more strictly adhered to.

Additional Traditions of the Holy Prophet

- **Mu'awiah ibn Haidah relates:** I asked the Holy Prophet: What is the right of a wife against her husband? He said: Feed her when you feed yourself, clothe her when you clothe yourself, do not strike her on her face, do not revile her and do not separate yourself from her except inside the house. (Abu Daud)
- **Abu Hurairah relates that the Holy Prophet said:** The most perfect of believers in the matter of faith is he whose behaviour is best, and the best of you are those who behave best towards their wives. (Tirmidhi)
- **Abdullah ibn Amr ibn 'As relates that the Holy Prophet said:** The world is but a provision and the best provision of the world is a good woman. (Muslim)
- **Ayesha relates:** A woman came to me begging with her two daughters; I could not find anything except a single date which I gave her. She divided it between her daughters and did not herself eat any of it. Then she got up and left. When the Holy Prophet came, I told him of it. He said: One who is tried with daughters and treats them well will find that they will become his shield from the Fire. (Bokhari and Muslim)
- **Abu Shuraih Khuwailad ibn Amr Khuzai relates that the Holy Prophet said:** Allah, I declare sinful any failure to safeguard the rights of two weak ones: orphans and women. (Nisai)
- **Abu Hurairah relates that the Holy Prophet said:** Treat women kindly. Woman has been created from a rib and the most crooked part of the rib is the uppermost. If you try to straighten it you will break it and if you leave it alone it will remain crooked. So treat women kindly. (Bokhari and Muslim)

- Abu Hurairah relates that the Holy Prophet said: Let no Muslim man entertain any rancour against a Muslim woman. Should he dislike one quality in her, he would find another which is pleasing. (Muslim)
- Abu Hurairah relates that the Holy Prophet said: When the husband calls his wife to his bed and she does not come and he spends the night offended with her, the angels keep cursing her through the night. (Bokhari)
- Abu Hurairah relates that the Holy Prophet said: Had I ordained that a person should prostrate himself before another, I would have commanded that a wife should prostrate herself before her husband. (Tirmidhi)
- Umm Salamah relates that the Holy Prophet said: If a woman dies and her husband is pleased with her, she will enter Paradise. (Tirmidhi)
- Usamah ibn Zaid relates that the Holy Prophet said: I am not leaving a more harmful trial for men than women. (Bokhari and Muslim)
- Abu Hurairah relates that the Holy Prophet said: Of the dinar you spend in the cause of Allah; the dinar you spend in procuring the freedom of a slave; the dinar you give away in charity to the poor and the dinar you spend on your wife and children, the highest in respect of reward is the one you spend on your wife and children. (Muslim)
- Sa'ad ibn Abi Waqqas relates in the course of a long *hadith* that the Holy Prophet said: Whatever you might spend seeking thereby the pleasure of Allah will have its reward, even that which you put in the mouth of your wife. (Bokhari and Muslim)

- Ayesha relates: I did not envy any of the wives of the Holy Prophet so much as I envied Khadijah (the first wife of the Holy Prophet), though I had never seen her. The Holy Prophet mentioned her often. When a goat was slaughtered, he would cut it into pieces and send them to Khadijah's friends. Sometimes I would say to him: You talk of her as if there never was any woman in the world beside Khadijah; and he would say: She was such and such, and I had children from her. (Bokhari and Muslim)

